

**BEFORE THE BOARD OF DENTAL EXAMINERS  
OF THE STATE OF IOWA**

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**IN THE MATTER OF:** )

**GARY L. WEBER, D.D.S.** )  
**1111 9<sup>th</sup> Street** )  
**Des Moines, IA 50314** )

**NOTICE OF HEARING**

**License #6077** )

**Respondent** )

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You are hereby notified that on February 1, 2002, the Board found probable cause to file a Statement of Charges against you. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 153, and 272C (2001), and 650 Iowa Administrative Code Chapter 51. A copy of the Statement of Charges is attached, and sets forth the particular statutes and rules which you are alleged to have violated, and further provides a short and plain statement of the matters asserted.

**IT IS HEREBY ORDERED** that a disciplinary contested case hearing be held upon the Statement of Charges on April 17, 2002, before the full Board or a panel of the Board. The hearing shall begin at 1:30 p.m. and shall be located in the 1<sup>st</sup> Floor Conference Room, Iowa Board of Dental Examiners at 400 SW 8<sup>th</sup> Street, Ste D, Des Moines, Iowa. The Board shall serve as presiding officer, but the Board may request an

Administrative Law Judge make initial rulings on prehearing matters, and be present to assist and advise the Board at hearing.

Within twenty (20) days of the date you are served with the Statement of Charges and Notice of Hearing, you are required by 650 Iowa Administrative Code 51.12(2) to file an Answer to the Charges. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing.

At hearing, you may appear personally or be represented by counsel at your own expense. You will be allowed the opportunity to respond to the Charges against you. The procedural rules governing the conduct of the hearing are found at 650 Iowa Administrative Code Chapter 51.

The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:

Theresa O'Connell Weeg  
Assistant Attorney General  
Iowa Attorney General's Office  
2<sup>nd</sup> Floor, Hoover State Office Building  
Des Moines, IA 50319  
Phone (515) 281-6858

If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 650 Iowa Administrative Code 51.22.

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 650 Iowa Administrative Code 51.19. If you are interested in pursuing settlement of this matter, please contact Constance L. Price, Executive Director, at 515-281-5157.

Dated this 1st day of February, 2001.



LEROY I. STROHMAN, D.D.S.  
Chairperson  
Iowa Board of Dental Examiners  
400 SW 8<sup>th</sup> Street, Ste. D  
Des Moines, IA 50309

cc: Theresa O'Connell Weeg  
Assistant Attorney General  
Office of the Attorney General  
Hoover State Office Building  
Des Moines, IA 50319

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<b>1111 9<sup>th</sup> Street</b>	)	
<b>Des Moines, IA 50314</b>	)	<b>STATEMENT OF CHARGES</b>
<b>License #6077</b>	)	
<b>Respondent</b>	)	

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- 1) The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 153 and 272C (2001).
- 2) On July 1, 1975, D.D.S., the Respondent, was issued license number 6077 by the Board to engage in the practice of dentistry, subject to the laws of the State of Iowa and the rules of the Board.
- 3) License number is current and on active status until June 30, 2002.

**COUNT I**

The Respondent is charged with failure to maintain a reasonably satisfactory standard of competency in the practice of dentistry, in violation of Iowa Code Section 153.34 (9) (2001) and 650 Iowa Administrative Code Section 30.4(16).

**COUNT II**

The Respondent is charged under Iowa Code Section 153.34(15)(2001) with being unable to practice dentistry with reasonable skill and safety by reason of illness, drunkenness, or habitual use of drugs, intoxicants, narcotics, chemicals, or other types of materials, or as a result of a mental or physical condition.

### **COUNT III**

The Respondent is charged under Iowa Code Section 153.34(4) (2001) for indiscriminately or promiscuously prescribing controlled substances in violation of 650 Iowa Administrative Code 30.4(18).

### **COUNT IV**

The Respondent is charged under Iowa Code Section 153.34(4) (2001) with willfully or repeatedly violating a Board rule by failing to maintain records of controlled substance prescriptions pursuant to IAC 650 27.11(1)(d.)(5), and IAC 16.2(3).

### **COUNT V**

The Respondent is charged under Iowa Code Section 153.34(7) (2001) and 650 Iowa Administrative Code 30.4(13) with unprofessional conduct in the practice of dentistry for soliciting unused controlled substance medications from a patient for personal use.

### **COUNT VI**

The Respondent is charged under Iowa Code Section 153.34(7) (2001) and 650 Iowa Administrative Code 30.4(13) with unprofessional conduct in the practice of dentistry for obtaining controlled substance medications through fraud and/or deceit.

### **THE CIRCUMSTANCES**

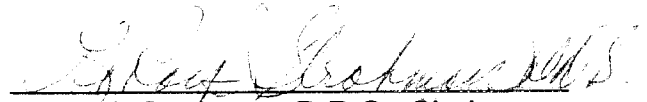
1. The Iowa Board of Dental Examiners received information from a health care provider alleging that Respondent may be chemically dependent.
2. The Board has conducted a full investigation into this allegation and has obtained evidence that:

- a. Respondent has a history of substance abuse and suffers from a mental condition.
- b. Respondent admits that he fails to keep written documentation of all controlled substance prescriptions that he prescribes.
- c. Respondent admits that he issues controlled substance prescriptions to family members in excess of the amount normally required.
- d. Respondent admits that he routinely calls in controlled substance prescriptions for family members and then picks them up for them. Respondent is unable to document the dental need for said prescriptions.
- e. Respondent admits that he has contacted a patient of record and requested that some controlled substance medication that he prescribed to that patient be returned to him for personal use, and that he later received that medication.
- f. Respondent called in a controlled substance prescription for a coworker's family member and had the coworker pick up the prescription and give it to him for personal use.
- g. Respondent personally picked up controlled substance prescriptions that were allegedly called in for him by another health care provider. This health care provider reported that no such prescriptions had been called in for Respondent.

- h. Following a controlled substance prescription audit it was discovered that approximately 39% of the controlled substance medications that Respondent issued went to Respondent or his family members.
- 3. The Iowa Board of Dental Examiners received information from a health care provider questioning the level of care that Respondent is providing to patients.
- 4. Board consultants reviewed numerous patient records subpoenaed from Respondent and concluded the following:
  - a) On patient D.W., Respondent left a root, did not inform the patient, and did not make arrangements for its removal.
  - b) On patient B.A., the patient was not a good candidate for orthodontics due to a periodontal condition. The patient should have been monitored more closely for periodontal disease and any indicated therapy performed during active tooth movement.
  - c) On patient C.C., the over-expansion of the lower arch to accommodate the tooth size/arch length discrepancy is an inappropriate method and causes stability concerns. Respondent appears to lack an understanding of orthodontic diagnostic and treatment principles.
  - d) On patient R.D., the consultant questioned why Respondent would attempt to re-cement such a poor fitting crown.

- e) On patient S.S., treatment was not to the standard of care, if the patient was uninformed about the root tip and no follow-up arrangements made for its removal.
- f) On patient J.S., Respondent's technique was not a usual or customary method of retention. It is not necessary or advisable to remove any tooth structure to retain the teeth, as it is potentially damaging to the teeth and surrounding tissue.
- g) On patient B.N, the consultant questioned the appliance choice and how effective treatment will be. A second phase of comprehensive treatment will be needed.
- h) On patient G.G., patient was not treated to the standard of care by leaving large amounts of tooth structure behind without informing the patient. There was no documentation by Respondent that any prescriptions were issued to the patient, but pharmacy logs indicate that Respondent issued several prescriptions to the patient.
- i) On patient A.D., Respondent temporarily cemented a crown on #19 because he was unsure of its pulpal status. Respondent then submitted a bill to the insurance company stating that the procedure (permanent crown) was completed. Respondent did not schedule patient for additional appointment to re-assess the tooth and to permanently cement the crown.

On this 1<sup>st</sup> day of February, 2002, the Iowa Board of Dental Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.



LeRoy I. Strohman, D.D.S., Chairman  
Iowa Board of Dental Examiners  
400 SW 8<sup>th</sup> Street, Ste. D  
Des Moines, IA 50309

cc: Theresa O'Connell Weeg  
Assistant Attorney General  
Office of the Attorney General  
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